

116TH CONGRESS
2D SESSION

S. 4793

To authorize the imposition of sanctions with respect to certain activities that threaten the national security, foreign policy, public health, economic health, or financial stability of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2020

Mr. TILLIS (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the imposition of sanctions with respect to certain activities that threaten the national security, foreign policy, public health, economic health, or financial stability of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Defend COVID Re-

5 search from Hackers Act”.

1 **SEC. 2. AUTHORIZATION OF IMPOSITION OF SANCTIONS**
2 **WITH RESPECT TO CERTAIN ACTIVITIES**
3 **THAT THREATEN THE NATIONAL SECURITY,**
4 **FOREIGN POLICY, PUBLIC HEALTH, ECO-**
5 **NOMIC HEALTH, OR FINANCIAL STABILITY OF**
6 **THE UNITED STATES.**

7 (a) IN GENERAL.—The President may impose sanc-
8 tions described in subsection (b) with respect to any for-
9 eign person determined by the President—

10 (1) to have engaged in, directly or indirectly, or
11 to be responsible for or complicit in, activities, in-
12 cluding cyber-enabled activities, that—

13 (A)(i) are reasonably likely to result in a
14 significant threat to the national security, for-
15 eign policy, public health, economic health, or
16 financial stability of the United States; or

17 (ii) originate from or are directed by for-
18 eign persons that have materially contributed to
19 such a threat; and

20 (B) that have the purpose or effect of—

21 (i) harming, or otherwise significantly
22 compromising, the provision of services by
23 a computer or network of computers that
24 support one or more entities in a critical
25 infrastructure sector;

(ii) significantly compromising the

provision of services by one or more entities in a critical infrastructure sector;

(iii) causing a significant disruption to

the availability of a computer or network of computers; or

(iv) causing a significant misappro-

priation of funds or other economic resources, trade secrets, personal identifiers,

intellectual property, or financial information for commercial or competitive advan-

tage or private financial gain;

(e) to have engaged in, to be responsible for or

compliant with, or to have knowingly and materially

benefited from, the receipt or use for commercial or competitive advantage or private financial gain of

funds or other economic resources, trade secrets, personal identifiers, intellectual property, or finan-

cial information misappropriated through cyber-enabled activities, if such misappropriation is reason-

ably likely to result in, or to have materially contributed to, a significant threat described in paragraph

(1)(A)(i);

(3) to have materially assisted, sponsored, or provided financial, material, or technological support

1 for, or goods or services in support of any activity
2 or person described in paragraph (1) or (2);

3 (4) to be owned or controlled by, to be an offi-
4 cer or director of, or to have otherwise acted or pur-
5 ported to act for or on behalf of, directly or indi-
6 rectly, any person described in paragraph (1) or (2);

7 or

8 (5) to have attempted to engage in any activity
9 described in paragraph (1), (2), or (3).

10 (b) SANCTIONS DESCRIBED.—The sanctions de-
11 scribed in this subsection are the following:

12 (1) BLOCKING OF PROPERTY.—The President
13 shall exercise all of the powers granted to the Presi-
14 dent by the International Emergency Economic
15 Powers Act (50 U.S.C. 1701 et seq.) (except that
16 the requirements of section 202 of such Act (50
17 U.S.C. 1701) shall not apply) to the extent nec-
18 essary to block and prohibit all transactions in prop-
19 erty and interests in property of a foreign person de-
20 scribed in subsection (a) if such property and inter-
21 ests in property are in the United States, come with-
22 in the United States, or are or come within the pos-
23 session or control of a United States person.

24 (2) INADMISSIBILITY OF CERTAIN INDIVID-
25 UALS.—

(A) INELIGIBILITY FOR VISAS, ADMISSION,
OR PAROLE.—An alien described in subsection
(a) is—

13 (B) CURRENT VISAS REVOKED.—

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

25 (c) IMPLEMENTATION; PENALTIES.—

1 (1) IMPLEMENTATION.—The President may ex-
2 ercise all authorities provided under sections 203
3 and 205 of the International Emergency Economic
4 Powers Act (50 U.S.C. 1702 and 1704) to the ex-
5 tent necessary to carry out this section.

6 (2) PENALTIES.—A person that violates, at-
7 tempts to violate, conspires to violate, or causes a
8 violation of subsection (b)(1), or any regulation, li-
9 cense, or order issued to carry out that subsection,
10 shall be subject to the penalties set forth in sub-
11 sections (b) and (c) of section 206 of the Inter-
12 national Emergency Economic Powers Act (50
13 U.S.C. 1705) to the same extent as a person that
14 commits an unlawful act described in subsection (a)
15 of that section.

16 (d) EXCEPTIONS.—

17 (1) INTELLIGENCE AND LAW ENFORCEMENT
18 ACTIVITIES.—The following activities shall be ex-
19 empt from sanctions under this section:

20 (A) Activities subject to the reporting re-
21 quirements under title V of the National Secu-
22 rity Act of 1947 (50 U.S.C. 3091 et seq.).

23 (B) Activities subject to any authorized in-
24 telligence or law enforcement activities of the
25 United States.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under subsection (b)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States.

24 (e) REPORT ON CYBER-ENABLED ACTIVITIES.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of State, in consultation with the Director of
4 National Intelligence, shall submit to the appro-
5 priate congressional committees a report—

6 (A) detailing the extent of known cyber-en-
7 abled activities or attempted cyber-enabled ac-
8 tivities described in subsection (a) by foreign
9 persons related to the coronavirus disease 2019
10 (commonly referred to as “COVID–19”) pan-
11 demic; and

12 (B) assessing whether such activities qual-
13 ify for the imposition of sanctions under this
14 section.

15 (2) FORM.—The report required by paragraph
16 (1) shall be submitted in unclassified form but may
17 include a classified annex.

18 (f) DEFINITIONS.—In this section:

19 (1) ADMITTED; ALIEN.—The terms “admitted”
20 and “alien” have the meanings given such terms in
21 section 101 of the Immigration and Nationality Act
22 (8 U.S.C. 1101).

23 (2) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means—

(B) the Committee on Foreign Affairs and
the Committee on Financial Services of the
House of Representatives.

11 (4) ENTITY.—The term “entity” means a part-
12 nership, association, trust, joint venture, corpora-
13 tion, group, subgroup, or other organization.

(5) FOREIGN PERSON.—The term “foreign person” means an individual or entity that is not a United States person.

17 (6) KNOWINGLY.—The term “knowingly”, with
18 respect to conduct, a circumstance, or a result,
19 means that a person has actual knowledge, or should
20 have known, of the conduct, the circumstance, or the
21 result.

22 (7) MISAPPROPRIATION.—The term “misappro-
23 priation” means any taking or obtaining by im-
24 proper means, without permission or consent, or
25 under false pretenses.

1 (8) PERSON.—The term “person” means an in-
2 dividual or entity.

3 (9) UNITED STATES PERSON.—The term
4 “United States person” means—

5 (A) an individual who is a United States
6 citizen or an alien lawfully admitted for perma-
7 nent residence to the United States;

8 (B) an entity organized under the laws of
9 the United States or any jurisdiction within the
10 United States, including a foreign branch of
11 such an entity; or

12 (C) any person in the United States.

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